

**MINUTES OF THE CITY OF LAS VEGAS REGULAR CITY COUNCIL MEETING HELD
ON WEDNESDAY, OCTOBER 20, 2021 AT 5:30 PM IN THE CITY COUNCIL
CHAMBERS**

MAYOR: Louie A. Trujillo

COUNCILORS: David Romero
David Ulibarri, Jr.
Elaine Rodriquez
Michael Montoya

ALSO PRESENT: Leo Maestas, City Manager
Casandra Fresquez, City Clerk
Scott Aaron, City Attorney
Antonio Salazar, Sergeant at Arms

CALL TO ORDER

Meeting was called to order at 5:30 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Mayor Trujillo asked everyone to keep in mind the victims of domestic violence that affects our community and advised that we had recently lost a beloved coach and retired educator to violence over the weekend. He asked for a moment of silence to remember the family of Virginia and Ismael Lujan.

APPROVAL OF AGENDA

Councilor Montoya made a motion to approve the agenda as presented. Councilor Ulibarri, Jr. seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Elaine Rodriquez	Yes	Michael Montoya	Yes
David Romero	Yes	David Ulibarrri, Jr.	Yes

City Clerk Fresquez advised the motion carried.

PUBLIC INPUT

None at this time.

MAYOR'S APPOINTMENTS/REPORTS AND RECOGNITIONS/PROCLAMATIONS

Mayor Trujillo, along with the Governing Body recognized and proclaimed October 2021 as "Domestic Violence Awareness Month".

District Attorney Thomas Clayton briefly spoke on the importance of addressing the issue of domestic violence within our community and advised of services and resources available to not only victims but also to offenders in order to stop the behavior. He thanked his staff in their efforts along with the Governing Body for the awareness and for the positive things happening in the community.

Further discussion took place in regards to more resources being needed for this dire situation. The Governing Body thanked Mr. Clayton and his staff for their commitment in helping the community in dealing with domestic violence.

COUNCILORS' REPORTS

Councilor Montoya expressed his thoughts in regards to the success of the groundbreaking ceremony held with the Governor at the Rodriguez Ballpark Complex and thanked City Manager Maestas and staff. He advised that the budget surplus had been previously discussed, he felt that funds regarding that would be administered fairly and the public would be informed via the Optic. Councilor Montoya informed Mayor Trujillo that two members of the Finance Advisory Committee would need to be replaced due to Elaine Luna and Mel Sweeney stepping down.

Mayor Trujillo advised he would be attending the Pinon Awards Banquet tomorrow night in Santa Fe supporting the Gallinas Watershed Alliance and the Hermits Peak Water Association as they would be receiving an award in regards to the Riverwalk. He informed he would be meeting with Field Representative Jennifer Sanchez for Theresa Ledger Fernandez about federal funding for the City and discussed the Unity Parade that would take place on Saturday, uniting all City schools and universities with the UWC students as Grand Marshall. Mayor Trujillo added that it would end with a Matanza at Melody Park sponsored by NMHU and was a community event. He advised that the Board of Regents would be meeting Friday and on the agenda was the vote to proceed with the partnership with the City and County in regards to the golf course and everyone was invited to attend or submit public input.

Councilor Montoya thanked Elmo Baca and members of the Las Vegas Community Foundation for the invitation to tomorrow's award for the Gallinas River Restoration.

POLICE CHIEF'S REPORT

Police Chief Antonio Salazar presented a detailed Police Report for the month of September 2021 and also informed the Council of burglaries reported for the month, as requested.

Brief discussion took place pertaining to the crimes of graffiti taking place on Bridge Street and near Gallinas River and the need for more foot patrol, bike patrol and camera surveillance.

Mayor Trujillo advised that a meeting needed to be set for next week with the City Manager, Police Chief and himself to discuss narcotics enforcement. He also requested from Police Chief Salazar that there be more patrolling in the business area of the construction site on Bridge Street.

Councilor Romero asked Police Chief Salazar if the issues pertaining to HR had been addressed.

Police Chief Salazar stated that backgrounds were being done and they were going through the process.

Councilor Romero also requested from Police Chief Salazar to review the proposed Automated Speed Enforcement Ordinance and made the suggestion for P.D. personnel to view the Law Enforcement Protection Fund training offered by DFA on Thursday, November 19, 2021.

FINANCE REPORT

Finance Director Jesus Baquera presented the Finance Report for the month of September 30, 2021, reporting the General Fund revenue at 24%, expenditures at 20% and a surplus of \$79,427.00. He informed that Enterprise revenue came in at 21%, expenditures at 16% and surplus to date was \$647,734.00. Mr. Baquera reported the Recreation Department revenue at 13%, expenditures at 8% and total surplus at \$62,972. Lodger's Tax revenue was reported at 37%, expenditures came in at 13% and a surplus of \$111,607.

Mayor Trujillo asked for clarification regarding lodgers tax money, what had been funded and if the balance reflected the current state of the budget.

Finance Department Director Baquera informed that as of September 30th, everything was in there although the issue was some encumbrances had not been paid yet and were between \$10,000-\$20,000.

City Manager Maestas advised that he had been in contact with the Lodgers Tax Chairman in relation to their encumbrance report and stated that Mr. Baquera was referring to the some projects that were funded under lodgers tax and they had not asked for reimbursement yet.

Brief discussion took place concerning the importance of the Governing Body to become more familiar with the processes and procedures of Lodgers Tax Board.

Councilor Romero stated he was concerned about the unpaid encumbrances and mentioned that previously discussed was invalid invoices being submitted by the Lodgers Tax Board.

Mr. Baquera stated that City Manager Maestas had rejected a few invoices, they were getting them resent and redone with a professional invoice.

Councilor Montoya asked what employees would qualify for the approved premium pay that was approved by Council and also wanted clarification regarding the General Fund Hold Harmless amount of \$250,000.

City Manager Maestas explained that anyone who was employed with the City on the day it was approved would receive the one time premium pay.

Finance Director Baquera informed Councilor Montoya that the Hold Harmless amount in question was monies coming from the DFA regarding online sales, that in the past the state would receive that and is now being distributed to counties and cities. He informed the Governing Body there was nothing of concern to report regarding the current Finance Report.

BUSINESS ITEMS

1. Request to Publish Ordinance No. 21-18 An ordinance to create and amend various city ordinances regarding cannabis, business registration, zoning, nuisances, and water.

City Attorney Scott Aaron advised this item was postponed from the last council meeting in order to further research and make necessary changes prior to publication. The Cannabis Regulation Act, codified as NMSA 1978, §26-2C-1 et seq., the New Mexico Legislature established a comprehensive regulatory framework for the possession, cultivation, manufacture and sales of cannabis and cannabis-derived products.

City Attorney Aaron discussed amendments in detail regarding violations, ETZ zoning requirements, nuisances (non-compliance structures), dangerous buildings (inhabitable) and of liens of property (code violations).

Discussion and questions took place regarding structures being grandfathered in, residential vs. commercial water/wastewater regulations and if effluent water would be viable for this industry to operate.

Councilor Montoya asked City Attorney Aaron to bring Council any other changes that would occur and would be adjusted accordingly and made a motion to approve to publish Ordinance No 21-18, An ordinance to create and amend

various city ordinances regarding cannabis, business registration, zoning, nuisances and water.

City Attorney Aaron stated that upon a successful vote, this would go out for publishing to the public, come back to Council for approval and at that time there may be comments from the public.

Councilor Rodriquez seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David Ulibarri, Jr.	Yes	David Romero	Yes
Michael Montoya	Yes	Elaine Rodriquez	Yes

City Clerk Fresquez advised the motion carried.

2. Request approval to fund Las Vegas First Independent Business Alliance (LVFIBA) for marketing assistance from Lodgers tax funding in the amount of \$24,134.00.

The Las Vegas First Independent Business Alliance (LVFIBA) is the applicant and fiscal sponsor on behalf of 53 independent locally owned businesses in Old Town directly affected by recent construction. This applicant represents a collaboration between LVFIBA, Las Vegas Arts Council, MainStreet de Las Vegas/San Miguel Chamber of Commerce and Animal Welfare Coalition and benefits the entire community of Las Vegas.

Mayor Trujillo advised that this item had been tabled and explained some of the reasoning behind that decision and informed that after viewing the last Lodgers Tax meeting, he was disappointed on how it had been conducted, that it raised some red flags and he was contacted the next day by LVFIBA in regards to placing the funding request as an emergency on the next day's City Council meeting agenda. He mentioned he was also concerned after reviewing the application although added that he agreed it was an emergency.

Mayor Trujillo informed that the City would be working on its own "shop locally" campaign which would be advertised on radio and newspaper as early as the first week in November. He stated that many questions had come up and called a

meeting last Tuesday, he noticed there were issues within the organization and the City regarding the entire process of Lodgers Tax and procedures were not being followed from the Lodgers Tax handbook. He advised that a meeting would be held with DFA for advice and also a meeting with the Mayor from Taos, Santa Fe's City Manager and Tourism Director both pertaining to the use of Lodgers Tax in order to have a robust process of Lodgers Tax, utilizing every cent on projects and marketing.

Mayor Trujillo felt it was necessary to immediately address the restructure of the Lodgers Tax system in regards to the function of the board, it definitely needed housekeeping procedures and needed to be more user friendly. He spoke about the current application and the need for more detailed information to be included. He stated there was an upcoming Special meeting on November 3rd for other reasons although wanted to add this request to that agenda. Mayor Trujillo spoke about other issues on the application, how the City was also at fault and the need for checks and balances. He stated that the City wanted to help the businesses that were being affected by the construction on Bridge Street and Plaza and apologized that all these issues came up at the time of LVFIBA's funding request.

Mayor Trujillo informed that the Council wanted to increase the number of people regarding the Lodgers Tax Board with two more "at large" members in order for the process to be fair. He advised the City did not want to prolong this in order to plan for the Holiday season.

Mr. Elmo Baca advised he wanted to speak in context to their application and stated that it might have appeared to be a last minute submission although it had been a product of several weeks of work and was not their intention to bypass the process. He stated he was advised by Bill Hendrickson and Virginia Marrujo in regards to being allowed to bring his request directly to the Council and had also met with City Manager Maestas to discuss the application. Mr. Baca expressed his concern about the starting over of the Lodgers Tax system, how it would affect their application process and they felt it was an emergency due to the need to jump start their tourism marketing. He stated that they would appreciate the guidance from City staff and how they could work with the City to have effective marketing.

Lengthy discussion and questions took place in regards to abiding by the statute, validation of events, cash mob event, proper use of lodgers tax spending, accountability and other issues pertaining to the Lodgers Tax application.

Councilor Romero advised that the City was not anti-business and supported small business.

Councilor Rodriquez expressed her frustration regarding the Lodgers Tax process not being followed and that it should be a fair process. She added that the City should be able to assist small businesses with funding, using resources available and it was unfortunate that misinformation was given to LVFIBA in regards to appealing directly to Council.

Councilor Romero stated for the record, "Mr. Baca, was this in a Lodgers Tax meeting that you were told this or by what kind of communication, were you told by a director or a city employee?"

Mr. Baca stated they had a merchant's meeting and invited Mr. Hendrickson and Ms. Marujo to present to them that there were at least 20 merchants in the room and he supposed there may have been some misunderstanding of the process from their point of view but felt it was not intentional and they actually contacted the appropriate City staff for advice.

Further discussion took place about the intent of the City in moving forward with helping businesses with the Lodgers Tax process in a more positive manner.

Councilor Montoya advised that Lodgers Tax has had many issues in the past although this administration was stricter in regards to going through the process accordingly and with accountability, he spoke of funding being given to small businesses recently and the City was in support of small businesses. He spoke of an upcoming Christmas promotion and invited LVFIBA to join in and promote the Old Town area. He stated the City needed to work on this broken system and any business dealing with Lodgers Tax was invited to the upcoming meeting with DFA.

Mayor Trujillo expressed that the most important part of the process was that every cent was spent from Lodgers Tax and informed Mr. Baca that a meeting would be set up to discuss this issue.

Councilor Montoya made a motion to table the request for approval to fund Las Vegas First Independent Business Alliance (LVFIBA) for marketing assistance from Lodgers tax funding in the amount of \$24,134.00 until the Special meeting which would be held on November 3, 2021. Councilor Ulibarri, Jr. seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David Romero	Yes	Elaine Rodriquez	Yes
Michael Montoya	Yes	David Ulibarri, Jr.	Yes

City Clerk Fresquez advised the motion carried.

3. Discussion and decision on Charter amendments.

City Attorney Aaron advised that the required periodic review of the City Charter was conducted pursuant to Section 1.05 of the Charter by the Charter Commission. The Charter Commission met between the months of March and August 2021, during which they reviewed the Charter. The Charter Commission presented their recommendations on August 19, 2021. The Governing Body needs to determine the charter amendments that will come before Council by means of a Resolution in the form of ballot questions to be posted to the Las Vegas voters in the March 1, 2022 election.

Councilor Romero advised the discussion would begin with the proposed amendments by the Charter Commission.

Amendment 1: Increasing the number of City Councilors to 8.

Lengthy discussion and questions took place regarding the pros and cons of having five Councilors, one being at large, the process of having to redistrict at the time of next election in March 2022 and options of five Councilors or creating a new district that he/she would represent. Also discussed was the language on the ballot regarding the options.

The decision was unanimous by Council to deny Amendment 1 and instead agreed with having five Councilors, one being at large.

Amendment 2: Changing election requirement for simple majority, (fifty percent (50%) plus one (1), to highest number of votes cast and removing run-off elections:

Discussion took place regarding costs of elections and run-offs, and the pros and cons of having a run-off or simple majority.

The decision was made by Council to accept Amendment #2.

Amendment 3-A: Modifying the method of appointment of City Manager by Mayor and City Council (The Mayor shall provide a list no less than two (2) qualified candidates, with qualifications as set forth in the City Charter, for the position of City Manager for Council review. The Governing Body shall select a City Manager from the pool of applicants provided.)

Amendment 3-B: Modifying the method of appointment of City Attorney by Mayor and City Council (The Mayor shall provide a list no less than two (2) qualified candidates, with qualifications as set forth in the City Charter, for the position of City Attorney for Council review. The Governing Body shall select a City Attorney from the pool of applicants provided.)

Amendment 3-C: Modifying the method of appointment of City Clerk by Mayor and City Council (The Mayor shall provide a list no less than two (2) qualified candidates, with qualifications as set forth in the City Charter, for the position of City Clerk for Council review. The Governing Body shall select a City Clerk from the pool of applicants provided.)

Amendment 3-D: Modifying the method of appointment of Chief of Police by Mayor and City Council (The Mayor shall provide a list no less than two (2) qualified candidates, with qualifications as set forth in the City Charter, for the position of Chief of Police for Council review. The Governing Body shall select a Chief of Police from the pool of applicants provided.)

Lengthy discussion took place regarding the Amendments: 3-A, 3-B, 3-C and 3-D, also discussed were issues in the process of appointing Directors and of the power of the Council in appointing them.

The decision was made by Council to accept Amendments 3-A, 3-B, 3-C and 3-D.

Amendment 4: Modifying the time for the periodic review of the City Charter and specifying the duration of a Charter Commission.

Discussion took place about the consideration of several options regarding the assignment of committees for redistricting and the Charter Commission, if the Council chose to do so. Also discussed was adding language to Section 1.05 Charter Review Amendment that would state, any recommended changes under the section would be reviewed for compliance by an attorney and how it could be worded on the ballot.

The decision was made by Council to accept Amendment 4.

Councilor Romero referred back to the appointed positions, and strongly encouraged adding an item "F" to indicate if the vote takes place and the majority says No, that Mayor and City Manager would recognize that decision, in regards to the section of Removal of Officers. He stated that he wanted to add that same language to the section regarding Directors.

Brief discussion and questions took place concerning the difference between administrative leave and suspension concerning Directors.

The decision was made by Council to add those changes to Amendments 3-A, 3-B, 3-C and 3-D.

Mayor Trujillo asked City Attorney Aaron, in order to make it easier on the voter, was there any way that the language on the ballot could be stated as one question pertaining to Amendments 3-A,B,C, and D.

City Attorney Aaron advised that had been an ongoing issue on many elections and would have to look more into that.

Councilor Montoya questioned the changes for Section 6.08.

City Attorney Aaron advised Section 6.08 Committees allows Council to create committees and it stated that Advisory Committees had durations of less than a year and felt that it would restrict the Council's ability to set up committees.

Lengthy discussion took place regarding the possibility of increasing compensation for the Governing Body and the authority for the City to solely set Governing Body compensation.

Direction was given to City Attorney Aaron to do some research in regards to the Governing Body compensation amount and removing the compensation process of the Governing Body from the City Charter.

Councilor Romero stated for the record that most of the amendments presented by the Charter Commission were accepted except for Amendment 1, Increasing the number of City Councilors to 8. He felt it was important to let them know that the Council did listen and took their recommendations into consideration.

City Attorney Aaron made the clarification to Councilor Montoya that the changes to Section 6.08 were noted, to remove the duration of one year from the committees.

Councilor Montoya asked Council to consider changes to Section 3.02 Powers and Duties of the Governing Body regarding the Mayor's declaration of Executive Orders and to be brought to the Council for acceptance.

Lengthy discussion took place regarding checks and balances for Executive Orders.

City Attorney Aaron advised that he and City Clerk Fresquez were working on a proposed Ordinance that would address the issues of an Executive Order due to not having any ordinances that allowed some actions to take place.

Councilor Montoya asked Council to consider changes on Section 6.06 Lodgers Tax Board, to increase resident members to the board by two for a total of three. He felt it would benefit with more community representation.

Councilor Montoya discussed the situation of Council members who run for office, win and then decide to leave before their term is over and how that may be costly to the public in regards to having multiple elections. He asked the City Attorney if penalizing the elected official by compensating election costs would be legal.

City Attorney Aaron advised that there was nothing allowing the City to have cause of action to get somebody for election related expenses although the City would have the right to waive compensation and collect the amount already paid to the individual.

Brief discussion in regards to having a simple majority which would eliminate the need for a special run-off that would eliminate costs of additional elections.

City Attorney Aaron informed the Council that Section 2.01 stated *"the City shall be governed by a Mayor-Council form of government, together with an appointment of a City Manager provided by state law and accept as otherwise provided in this charter"*. He suggested Council put it out to the residents, to delete the entire sentence because Mayor-Council form of government is an actual term that means it's a form of government that we do not have. He stated that we have a home rule municipality which is distinctly different in law than Mayor-Council form of government and understood what they were trying to say although he believed it was worded incorrectly.

Councilor Romero asked City Attorney Aaron if he would possibly clarify that with the Municipal League.

Discussion and questions took place pertaining to the process that would follow the accepted amendments of the City Charter, the public input opportunities for the public at City Council Meetings/Committee meetings and also discussed was how the amendments would be written in the form of a Resolution that would be available on the City's website to the public as part of the agenda packet.

Councilor Romero made the motion to give direction to city staff to follow up with the document with the recommended changes that were given. Councilor Rodriguez seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David Ulibarri, Jr.	Yes	Michael Montoya	Yes
Elaine Rodriquez	Yes	David Romero	Yes

City Clerk Fresquez advised the motion carried.

EXECUTIVE SESSION

None at this time.

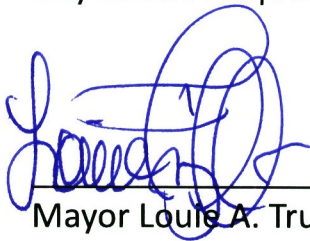
Councilor Montoya took the opportunity to wish Councilor Romero a happy birthday tomorrow, everyone wished him a Happy Birthday.

ADJOURN

Councilor Montoya made a motion to adjourn the meeting. Councilor Ulibarri, Jr. seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David Romero	Yes	Elaine Rodriquez	Yes
Michael Montoya	Yes	David Ulibarri, Jr.	Yes

City Clerk Fresquez advised the motion carried.



Mayor Louis A. Trujillo

ATTEST:



Casandra Fresquez, City Clerk